

Introductory Comments

I. Summary of the Office Action.

In the Office action, dated 4 October 2004, claims 1, 4, 9, 14-16, and 28-38 were rejected for the following reasons:

The Examiner rejected claims 1, 4, 9, 14-16, and 28-38 under 35 U.S.C. §103(a) asserting that the claims are unpatentable over Fox, *et al.*, (U.S. Patent No. 5,405,366) in view of Janssen, *et al.* (EP 539625) further in view of JP 56137899.

The Examiner rejected claims 1, 4, 9, 14-16, and 28-38 under 35 U.S.C. §103(a) asserting that the claims are unpatentable over Keusch, *et al.*, (U.S. Patent No. 5,143,071) in view of Janssen, *et al.*, (EP 539625) and further in view of JP 56137899 and Fox, *et al.* (U.S. Patent No. 5,405,366).

The Examiner rejected claims 1, 4, 9, 14-16, and 28-38 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of U.S. Patent No. 6,735,273, in view of Janssen, *et al.* (EP 539625) further in view of JP 56137899.

These rejections are traversed for reasons discussed below.

In addition, the Examiner requested that the applicants present a detailed analysis as to why the claimed subject matter has clear support in the earliest priority application.

II. Overview of the Amendments to the Claims.

Claims 1, 4, 9, 14-16, and 28-38 are pending in the application. Claims 1 and 16 have been amended without prejudice or disclaimer. Amendment of these claims is not intended to be an acquiescence to the Office's assessment of those claims in the 4 October 2004 Communication, and applicants expressly reserve the right to bring the subject matter of the original claims again in a subsequent, related application. After entry of this amendment, claims 1, 4, 9, 14-16, and 28-38 are pending in the application.

The amendments to the claims are presented herein below (after the signature page) in the section titled "Amendments to the Claims."

Support for the amendment to claim 1 can be found throughout the specification, for example, at the following location: page 32, lines 21-26; and claim 1 as originally filed.

Support for the amendment to claim 1 can be found throughout the specification, for example, at the following location: page 7, lines 4-19.

Accordingly, no new matter has been added by way of this amendment and the entry thereof is respectfully requested.